

## DISTRICT COURT (SEVENTH DISTRICT : EMERY COUNTY) [1698]

### CIVIL CASE FILES, 1896-1982.

67 microfilm reels

**DESCRIPTION:** These case files from the Seventh District Court in Emery County document the legal process and the administration of justice in conjunction with a civil proceeding for the determination of a controversy between parties wherein rights are enforced or protected, or wrongs are prevented or redressed. Included are all cases which cannot legally be called "criminal cases". Records and documents pertaining to a particular action are filed together by the court clerk, who is required by the Rules of Civil Procedure to file pleadings and other legal papers. Collectively they constitute the case file.

A civil action commences with the filing of a complaint with the court or by service to the defendant of a summons together with a copy of the complaint. A unique case number is assigned by the court when the papers are filed with the clerk. The case file for a particular action includes the original complaint or summons together with all legal papers subsequently filed in connection with the court proceeding through disposition or dismissal. Included are such documents as: depositions (or written testimony), demurrers (which are pleas for the dismissal of a lawsuit on the grounds that even if the statements of the opposition are true, they do not sustain the claim), interrogatories (a pretrial discovery tool in which written questions are propounded by one party and served to the adversary, who must answer by written replies made under oath), answers, counter claims, replies, motions, petitions, affidavits (written statements made under oath before an officer of the court, notary public, or other authorized person), stipulations (an agreement between attorneys that concerns business before a court and is designed to simplify, shorten, or settle litigation and save costs), exhibit documents (written contracts, bills, receipts, etc.), notices, objections, citations, sheriff's certificates, judge's orders and rulings, judge's instructions to the jury, judge's findings of fact and conclusions of law, final decrees, judgments, and executions (the process of carrying into effect a court's judgment, decree, or order).

Demurrers, pleas, and exceptions for insufficiency were abolished in 1953. Transcripts (an official and certified copy of what transpired in court or at an out-of-court deposition) and exhibits (items of real evidence) are not included in the case files.

Petitions for divorce are the predominant type of action in the civil case files. Suits to recover money are also common. These actions arise out of failure to honor promissory notes or other contract terms and non- payment of rent, lease payments, and court-ordered judgments. Attempts by plaintiffs to recover medical costs and lost income arising out of personal injury cases resulting from alleged carelessness or neglect appear frequently. These include traffic mishaps or accidents involving neighbors, employees, or business customers. Property cases include disputed ownership, damage, and contested improvements.

Legal actions include voluntary withdrawal or dissolution of corporations as well as petitions for a writ of habeas corpus (a court order requiring that a prisoner be brought before a judge to decide the legality of his detention or imprisonment). Court business (grand jury lists and reports, orders summoning persons to serve as jurors, various writs, etc.) have also been assigned civil case numbers.

According to statute, the district court has jurisdiction in all civil matters not excepted by the state constitution and not prohibited by law. During each calendar year the court is required to hold at least three terms at the county seat of each county within the district. The county clerk in each county serves as ex- officio clerk to the court and is responsible for maintaining the case files for actions arising in that county.

Responsibility for cases involving minimal monetary claims was reassigned to the newly created small claims departments of inferior courts in 1933. When inferior courts have original jurisdiction, the district court is limited to hearing appeals. Included are violations of city and town ordinances, as well as minor traffic laws, where a City Court or Justice of the Peace Court is established. Upon receipt of an appeal, the district court conducts a complete retrial of the case.

**ARRANGEMENT:** Case files are arranged numerically by case number.

**RESEARCH NOTE:** Many of these reels contain case file re-takes and additional fillings, which are located at the front of the reel. This may initially make the case range and date range appear out of order. However the ranges are correct as cited in the container list.

**RELATED RECORDS:** Series 12319 , CIVIL REGISTERS OF ACTION, record the date any action was taken on a case and briefly state what that action was. Series 22680 , CIVIL CASE INDEXES, contains index books for civil cases heard in the court between 1896 and 1964.

**PROCESSING NOTE:** This series was archivally processed by Jim Kichas in June 2008.

**GAPS IN SERIES:** Cases 6, 15, 36, 55, 72, 115, 116, 118, 119, 120, 124, 142, 144, 146, 155, 157, 184, 185, 223, 249, 330, 344, 351, 446, 466, and 3048-3119 are missing.

**PREFERRED CITATION:** Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

157, 184, 185, 223, 249, 330, 344, 351, 446, 466, and 3048-3119 are missing.

### **CONTAINER LIST**

157, 184, 185, 223, 249, 330, 344, 351, 446, 466, and 3048-3119 are missing.

<b>Reel</b>	<b>Description</b>	<b>Dates</b>
1	Case Files: 1 - 18	1896-1898
2	Case Files: 18 - 66	1896-1898
3	Case Files: 66 - 139	1898-1903
4	Case Files: 140 - 209	1903-1909
5	Case Files: 210 - 281	1909-1912
6	Case Files: 281 - 339	1912-1914
7	Case Files: 339 - 425	1914-1915
8	Case Files: 426 - 478	1915-1916
9	Case Files: 479 - 550	1916-1917
10	Case Files: 550 - 625	1917-1919
11	Case Files: 626 - 654	1919
12	Case Files: 655 - 683	1919-1920
13	Case Files: 684 - 735	1920-1921
14	Case Files: 735 - 789	1921-1922
15	Case Files: 790 - 844	1922-1924
16	Case Files: 845 - 896	1924
17	Case Files: 896 - 942	1924-1925
18	Case Files: 943 -	1925-1926

<b>Reel</b>	<b>Description</b>	<b>Dates</b>
	994	
19	Case Files: 995 - 1054	1926-1928
20	Case Files: 1055 - 1111	1928-1930
21	Case Files: 1112 - 1162	1930-1932
22	Case Files: 1163 - 1204	1932-1934
23	Case Files: 1204 - 1277	1934-1936
29	Case Files: 1259	1935
24	Case Files: 1278 - 1330	1936-1937
25	Case Files: 1331 - 1387	1937-1938
26	Case Files: 1388 - 1435	1938-1942
27	Case Files: 1435 - 1477	1942
28	Case Files: 1478 - 1529	1942-1944
29	Case Files: 1530 - 1558	1945
30	Case Files: 1559 - 1613	1945-1947
31	Case Files: 1614 - 1676	1947-1948
32	Case Files: 1677 - 1749	1948-1950
33	Case Files: 1713	1949
34	Case Files: 1750 - 1812	1950-1951
35	Case Files: 1812 - 1865	1951-1953
36	Case Files: 1866 - 1909	1953-1955
37	Case Files: 1909 - 1962	1955
38	Case Files: 1963 - 2017	1954-1955
39	Case Files: 2018 - 2077	1955-1956
40	Case Files: 2078 - 2141	1956-1957
41	Case Files: 2141 - 2202	1957-1958
42	Case Files: 2203	1958-1959

<b>Reel</b>	<b>Description</b>	<b>Dates</b>
	- 2237	
43	Case Files: 2238	1959-1960
	- 2299	
44	Case Files: 2300	1960
	- 2321	
45	Case Files: 2322	1961
	- 2370	
46	Case Files: 2371	1961-1963
	- 2434	
47	Case Files: 2435	1963
	- 2439	
48	Case Files: 2440	1963-1964
	- 2487	
49	Case Files: 2488	1964-1965
	- 2543	
50	Case Files: 2544	1965-1967
	- 2611	
51	Case Files: 2612	1967-1968
	- 2654	
52	Case Files: 2655	1968-1971
	- 2782	
53	Case Files: 2783	1972-1973
	- 2887	
54	Case Files: 2887	1973-1974
	- 2968	
55	Case Files: 2968	1974-1975
	- 3047	
56	Case Files: 3120	1977
	- 3226	
57	Case Files: 3227	1977
	- 3329	
58	Case Files: 3330	1977-1978
	- 3439	
59	Case Files: 3439	1978
	- 3540	
60	Case Files: 3541	1978-1979
	- 3653	
61	Case Files: 3654	1979-1980
	- 3746	
62	Case Files: 3746	1980
	- 3853	
63	Case Files: 3853	1980-1981
	- 3937	
64	Case Files: 3937	1981
	- 4014	
65	Case Files: 4014	1981-1982
	- 4087	
66	Case Files: 4088	1982

<b>Reel</b>	<b>Description</b>	<b>Dates</b>
67	- 4177 Case Files: 4178 1982 - 4252	